

Countering Bias and Misinformation mainly about the Arab-Israel conflict

THE SAN REMO CONFERENCE IN CONTEXT

It is impossible to understand the complex legal implications of the Arab-Israel conflict without an acquaintance with the basics of following context.

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THE SAN REMO CONFERENCE

in relation to

McMAHON, SYKES-PICOT, THE BALFOUR DECLARATION, AND THE
BRITISH MANDATE

Article 6 of the Mandate, charged Britain with the duty to facilitate Jewish immigration and close settlement by Jews in the territory which then included Transjordan, as called for in the Balfour declaration, that had already been adopted by the other Allied Powers. As a trustee, Britain had a fiduciary duty to act in good faith in carrying out the duties imposed by the Mandate.

Furthermore, as the San Remo resolution has never been abrogated, it was and continues to be legally binding between the several parties who signed it.

It is therefore obvious that the legitimacy of Syria, Lebanon, Iraq and the Jewish state all derive from the same international agreement at San Remo.

The 1915 McMahon-Hussein Agreement

In 1915 Sir Henry McMahon made promises on behalf of the British government, via Sherif Hussein of Mecca, about allocation of territory to the Arab people. Although Hussein understood from the promises that Palestine would be given to the Arabs, the British later claimed that land definitions were only approximate and that a map drawn at the time excluded Palestine from territory to be given to the Arab people. However in a subsequent change of policy in recognition of the McMahon correspondence, and in violation of its mandate, Britain separated the territory east of the Jordan River namely Transjordan (since renamed Jordan) from Palestine west of the Jordan.

In his book "State and economics in the Middle East: a society in transition" (Routledge, 2003), Alfred Bonn  included a letter from Sir Henry McMahon to The Times of London dated July 23, 1937 in which he wrote, "I feel it my duty to state, and I do so definitely and emphatically, that it was not intended by me in giving this pledge to King Hussein to include Palestine in the area in which Arab independence was promised. I also had every reason to believe at the time that the fact that Palestine was not included in my pledge was well understood by King Hussein."

Bonn  considered the letter to be of such importance that he published it in full as copied below

MEMORANDA TO
UK PARLIAMENT

DOCUMENTS &
ARTICLES

RECOMMENDED
LINKS

THE ICJ & THE
WALL

ACADEMIC
FREEDOM

About Maurice
Ostroff

SIR,

Many references have been made in the Palestine Royal Commission Report and in the course of the recent debates in both Houses of Parliament to the 'McMahon Pledge', especially to that portion of the pledge which concerns Palestine and of which one interpretation has been claimed by the Jews and another by the Arabs.

It has been suggested to me that continued silence on the part of the giver of that pledge may itself be misunderstood.

I feel, therefore, called upon to make some statement on the subject, but I will confine myself in doing so to the point now at issue—i.e. whether that portion of Syria now known as Palestine was or was not intended to be included in the territories in which the independence of the Arabs was guaranteed in my pledge.

I feel it my duty to state, and I do so definitely and emphatically, that it was not intended by me in giving this pledge to King Hussein to include Palestine in the area in which Arab independence was promised.

I also had every reason to believe at the time that the fact that Palestine was not included in my pledge was well understood by King Hussein.

5, Wilton Place, S.W.1.
July 22.

Yours faithfully,
A. HENRY McMAHON.

The May 1916 Sykes-Picot Agreement

This secret agreement between Britain, France and Russia was concluded by British diplomat, Sir Mark Sykes and French diplomat Georges Picot. In seeking to divide the entire Middle East into areas of influence for each of the imperial powers but leaving the Holy Lands to be jointly administered by the three powers, it clashed materially with the McMahon Agreement. It was intended to hand Syria, Mesopotamia, Lebanon and Cilicia (in south-eastern Asia Minor) to the French and Palestine, Jordan and areas around the Persian Gulf and Baghdad including Arabia and the Jordan Valley to the British.

Although intended to be secret, the Arabs learned about the agreement from communists who found a copy in the Russian government's archives.

The 1917 Balfour Declaration

The Balfour Declaration is contained in the following letter from Lord Arthur Balfour, the British foreign secretary, to Lord Rothschild, president of the British Zionist Federation,

*Foreign Office
November 2nd, 1917*

Dear Lord Rothschild,

I have much pleasure in conveying to you, on behalf of His Majesty's Government, the following declaration of sympathy with Jewish Zionist aspirations which has been submitted to, and approved by, the Cabinet.

"His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country."

I should be grateful if you would bring this declaration to the knowledge of the Zionist Federation.

*Yours sincerely,
Arthur James Balfour*

The declaration was accepted by the League of Nations on July 24, 1922 and embodied in the mandate that gave Great Britain administrative control of Palestine as described in more detail below.

THE SAN REMO CONFERENCE 1920

After ruling vast areas of Eastern Europe, South-western Asia, and North Africa for centuries, the Ottoman Empire lost all its Middle East territories during World War One. The Treaty of Sèvres of August 10, 1920 abolished the Ottoman Empire and obliged Turkey to renounce all rights over Arab Asia and North Africa. It was replaced by the Treaty of Lausanne in 1923.

The status of the Ottoman Empire's former possessions was determined at a conference in San Remo, Italy on April 24-25, 1920 attended by Great Britain, France, Italy, Japan and as an observer, the United States. Syria and Lebanon were mandated to France while Mesopotamia (Iraq) and the southern portion of the territory (Palestine) were mandated to Britain, with the charge to implement the Balfour Declaration.

While the Balfour Declaration was in itself not a legally enforceable document, it did become legally enforceable by being entrenched in international law when it was incorporated in its entirety in a resolution passed by the Conference on April 25. Significantly, the only change made to the wording of the Balfour Declaration was to strengthen Britain's obligation to implement the Balfour Declaration. Lord Curzon described the San Remo resolution as "the Magna Carta of the Zionists".

Though borders were not yet precisely defined, the conference gave Palestine a legal identity. Lloyd George, the British Prime Minister at the time used the expression "from Dan to Beersheba" that was often used in subsequent documents.

The conference's decisions were confirmed unanimously by all fifty-one member countries of the League of Nations on July 24, 1922 and they were further endorsed by a joint resolution of the United States Congress in the same year,

The San Remo resolution received a further US endorsement in the Anglo-American Treaty on Palestine, signed by the US and Britain on December 3, 1924, that incorporated the text of the Mandate for Palestine. The treaty protected the rights of Americans living in Palestine under the Mandate and more significantly it also made those rights and provisions part of United States treaty law which are protected under the US constitution. The U.S. Senate ratified the treaty on February 20, 1925 followed by President Calvin Coolidge on March 2, 1925 and by Great Britain on March 18, 1925.

Britain was specifically charged with giving effect to the establishment of the Jewish National Home in Palestine that was called for in the Balfour declaration that had already been adopted by the other Allied Powers. It is therefore obvious that the legitimacy of Syria, Lebanon, Iraq and a Jewish state in Palestine as defined before the creation of Transjordan, all derive from the same binding international agreement at San Remo, that has never been abrogated.

Commemoration of the San Remo conference <http://www.youtube.com/watch?v=ijS8mFP4I1A>

In April 2010, a ceremony attended by politicians and others from Europe, the U.S. and Canada was held in San Remo at the house where the signing of the San Remo declaration took place in 1920. At the conclusion of the commemoration, the following statement was released:

"Reaffirming the importance of the San Remo Resolution of April 25, 1920 - which included the Balfour Declaration in its entirety - in shaping the map of the modern Middle East, as agreed upon by the Supreme Council of the Principal Allied Powers (Britain, France, Italy, Japan, and the United States acting as an observer), and later approved unanimously by the League of Nations; the Resolution remains irrevocable, legally binding and valid to this day.

"Emphasizing that the San Remo Resolution of 1920 recognized the exclusive national Jewish rights to the Land of Israel under international law, on the strength of the historical connection of the Jewish people to the territory previously known as Palestine.

"Recalling that such a seminal event as the San Remo Conference of 1920 has been forgotten or ignored by the community of nations, and that the rights it conferred upon the Jewish people have been unlawfully dismissed, curtailed and denied.

"Asserting that a just and lasting peace, leading to the acceptance of secure and recognized borders between all States in the region, can only be achieved by recognizing the long established rights of the Jewish people under international law."

THE BRITISH MANDATE OVER PALESTINE

<http://www.2nd-thoughts.org/id174.html>



As stated above, the San Remo Conference decided to place Palestine under British Mandatory rule making Britain responsible for giving effect to the Balfour declaration that had been adopted by the other Allied Powers. The resulting "Mandate for Palestine," was an historical League of Nations document that laid down the Jewish legal right to settle anywhere in Palestine and the San Remo Resolution together with Article 22 of the Covenant of the League of Nations became the basic documents on which the Mandate for Palestine was established.

The Mandate's declaration of July 24, 1922 states unambiguously that Britain became responsible for putting the Balfour Declaration, in favor of the establishment in Palestine of a national home for the Jewish people, into effect and it confirmed that recognition had thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country.

It is highly relevant that at that time the West Bank and parts of what today is Jordan were included as a Jewish Homeland. However, on September 16, 1922, the British divided the Mandate territory into Palestine, west of the Jordan and Transjordan, east of the Jordan River, in accordance with the McMahon Correspondence of 1915. Transjordan became exempt from the Mandate provisions concerning the Jewish National Home, effectively removing about 78% of the original territory of the area in which a Jewish National home was to be established in terms of the Balfour Declaration and the San Remo resolution as well as the British Mandate.

This action violated not only Article 5 of the Mandate which required the Mandatory to be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of the Government of any foreign Power but also article 20 of the Covenant of the League of Nations in which the Members of the League solemnly undertook that they would not enter into any engagements inconsistent with the terms thereof.

Article 6 of the Mandate stated that the Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

Nevertheless in blatant violation of article 6, in a 1939 White Paper Britain changed its position so as to limit Jewish immigration from Europe, a move that was regarded by Zionists as betrayal of the terms of the mandate, especially in light of the increasing persecution of Jews in Europe. In response, Zionists organized Aliyah Bet, a program of illegal immigration into Palestine.

CONCLUSION

The frequently voiced complaint that the state being offered to the Palestinians comprises only 22 percent of Palestine is obviously invalid. The truth is exactly the reverse. From the above history it is obvious that the territory on both sides of the Jordan was legally designated for the Jewish homeland by the 1920 San Remo Conference, mandated to Britain, endorsed by the League of Nations in 1922, affirmed in the Anglo-American Convention on Palestine in 1925 and confirmed in 1945 by article 80 of the UN. Yet, approximately 80% of this territory was excised from the territory in May 1923 when, in violation of the mandate and the San Remo resolution, Britain gave autonomy to Transjordan (now known as Jordan) under as-Sharif Abdullah bin al-Husayn.

Furthermore, as the San Remo resolution has never been abrogated, it was and continues to be legally binding between the several parties who signed it. It is therefore obvious that the legitimacy of Syria, Lebanon, Iraq and a Jewish state in Palestine all derive from the same international agreement at San Remo.

In essence, when Israel entered the West Bank and Jerusalem in 1967 it did not occupy territory to which any other party had title. While Jerusalem and the West Bank, (Judea and Samaria), were illegally occupied by Jordan in 1948 they remained in effect part of the Jewish National Home that had been created at San Remo and in the 1967 6-Day War Israel, in effect, recovered territory that legally belonged to it. To quote Judge Schwebel, a former President of the ICJ, *"As between Israel, acting defensively in 1948 and 1967, on the one hand, and her Arab neighbors, acting aggressively, in 1948 and 1967, on the other, Israel has the better title in the territory of what was Palestine, including the whole of Jerusalem."*
<http://www.2nd-thoughts.org/id248.html>

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